

# Court of Appeals, State of Michigan

## ORDER

Dawn Fowler v James K Brown

Docket No. 303351

LC No. 07-031688-DM

Cynthia Diane Stephens  
Presiding Judge

Michael J. Talbot

Christopher M. Murray  
Judges

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In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the January 31, 2011, order of the Lenawee Circuit Court denying defendant's motion regarding spousal support hereby is VACATED. MCL 552.28 provides that a court may revise a judgment regarding the amount or payment of the alimony. "MCL 552.28 will always apply to any alimony arrangement adjudicated by the trial court when the parties are unable to reach their own agreement." *Staple v Staple*, 241 Mich App 562, 569; 616 NW2d 219 (2000). Accordingly, defendant was entitled to ask the court to revise the spousal support provision of the parties' default divorce judgment. On remand, the circuit court is directed to consider defendant's motion on its merits. The case is remanded to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

DEC 27 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk